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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,521	12/05/2003	Richard Floyd Percy	16638-US	2404
30689	7590	12/06/2005	EXAMINER	
DEERE & COMPANY ONE JOHN DEERE PLACE MOLINE, IL 61265			KOVACS, ARPAD F	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/729,521	Applicant(s) PERCY ET AL.	
	Examiner Árpád Fábián Kovács	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-19, 21 and 22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15, 17-19, 21 and 22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15, 17-19, 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Barth (3110147).

Barth discloses:

cl. 18:

as disclosed in col. 1, ln 57-60, a provision is included of a rear mounted catcher for a reel type lawn mower so that easy attachment & detachment of the catcher can be accomplished and yet has a strength & lateral stability, this provision is the type of a reinforcing rod (U shaped rod, ref 41) that extends laterally at least a portion of a lower lip (forward lip 46) of the grass catcher (the lower lip of the grass catcher, ref 11, is at the fastening means, bolt, ref 39);

retaining structures (tie rods, ref 51) and formed integrally with the lower lip & being the only structures gripping the rod in place;

as disclosed in col. 4, ln 16, the grass catcher is of rigid material or reinforced (with the rod, ref 41) one-piece molded plastic grass catcher;

cl. 19:

as disclosed in col. 4, ln 16, the grass catcher is of rigid material or reinforced (with the rod, ref 41) one-piece molded plastic grass catcher;

cl. 21:

as shown in fig 3, the lip, ref 46, is in a horizontal plane above at least some portions of the lower wall (bottom 68);

cl. 22:

in order to ensure a close fit, just as the Applicant's rod, the rod, ref 41, has an outer cross sectional dimension no smaller than the internal dimension of the integral retaining structures;

cl. 12:

as disclosed in col. 1, ln 57-60, a provision is included of a rear mounted catcher (ref 11) for a reel type lawn mower so that easy attachment & detachment of the catcher can be accomplished and yet has a strength & lateral stability, this provision is the type of a reinforcing rod (U shaped rod, ref 41) that extends laterally at least a portion of a lower lip (forward lip 46) of the grass catcher (the lower lip of the grass catcher, ref 11, is at the fastening means, bolt, ref 39);

a retaining structure (tie rods, ref 51) and formed integrally with the lower

lip & being the only structures gripping the rod in place;

the one-piece box-shaped catcher having a rear facing opening (see fig 3) and a lower panel (bottom 68) with an elevated lip (forward lip 46) at the opening;

as disclosed in col. 4, ln 16, the grass catcher is of rigid material or reinforced one-piece molded plastic grass catcher;

the material design choice for the retaining structure is inherently plastic (just as the catcher is disclosed to be plastic);

cl. 13, 9:

the side panels (52) include an access hole through which the rod may be inserted (see see large diameter of the hole ref 58, which is capable of allowing the rod ref 41 through);

cl. 14, 2, 8:

the reinforcing rod has inherently a design choice of being metal cylindrical rod (a long rod ref 41 cannot be plastic, since it has to be capable of providing strength and lateral stability, as outlined in col. 1, ln 57-60, thus is a metallic rod);

cl. 15, 6:

the retaining structure is an offset structure (as shown in fig 3);

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cl. 17, 11:

the rod (ref 42) is between the sides (52), therefore has a horizontal length or span, less than the span between the pair of opposing side panels;

cl. 1, 10:

as disclosed in col. 1, ln 57-60, a provision is included of a rear mounted catcher for a reel type lawn mower so that easy attachment & detachment of the catcher can be accomplished and yet has a strength & lateral stability, this provision is the type of a reinforcing rod (U shaped rod, ref 41) that extends laterally at least a portion of a lower lip (forward lip 46) of the grass catcher (the lower lip of the grass catcher, ref 11, is at the fastening means, bolt, ref 39);

and retaining structures (tie rods, ref 51) and formed integrally with the lower lip & being the only structures gripping the rod in place;

the one-piece box-shaped catcher having sides (52), an upper panel (ref 67 is upwardly extending in comparison with the side panels 52);

cl. 3:

at least three retaining structures formed integrally with the lower panel adjacent the opening (ref 44 also included as one of the integral retaining structures of the rod, ref 42);

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cl. 4, 5:

the aperture inside ref 56 is a channel or passage like, see fig 3;

cl. 7:

as shown in fig 3, some portion of the rod (42) is at least partially exposed facing upwardly.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15, 17-19, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Root (3553947), in view of Check (4970852).

Root discloses the claimed invention (rod 17, retaining elements (21) as shown at the lower raised lip of a box like grass catcher, however does not disclose a molded structure (plastic).

Check teaches that, at that time the instant invention was made, it was known in the art to construct a grass catcher as a molded plastic box like structure (40, see col. 6, lines 28-32).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the canvas grass catcher of the Root patent with a molded one piece grass catcher as taught by the Check patent, in order to provide a more durable grass catcher that is less susceptible to puncture or tears. Given the

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arrangement of the Root patent, replacing the canvas structure with a molded plastic box structure would not, however, eliminate the need for the reinforcing rod (17).

Response to Arguments

5. Applicant's arguments with respect to claims 1-15, 17-19, 21-22 have been considered but are moot in view of the new ground(s) of rejection.

The amendment of the reinforcing "rod" necessitated the new search and examination.

It is noted that cancelled claims 16 & 20 should be listed as "cancelled."

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

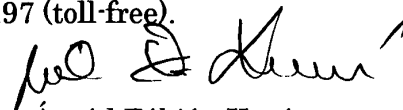
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábíán Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Árpád Fábián Kovács
Primary Examiner
Art Unit 3671

ÁFK